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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/776,005      | 02/02/2001  | Wallace D. Sanger    |                     | 7435             |

7590

09/16/2002

FRANK L. KUBLER  
13261 S. W. 54th Court  
Miramar, FL 33027

EXAMINER

VARNER, STEVE M

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 09/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/776,005

Applicant(s)

SANGER, WALLACE D. 

Examiner

Steve M Varner

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4 contain method of forming a building and method of casting panels. Therefore, the claims are indefinite since two distinct methods are being claimed. Since the claim preamble is directed to the building method the examiner will treat the claims accordingly.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorell et al. in view of Gonzalez Expinosa de Los Monteros and Westerlund.

Regarding claim 1, Gorell et al. shows forming two pitch walls (27, 29) angled to match the pitch of the building roof. (Fig. 1) Gorell et al. does not show a beam-receiving notch. Gonzalez Expinosa de Los Monteros shows notches (9) in cast concrete. (Fig. 1) It would have been obvious to one of ordinary skill in the art to use a

Art Unit: 3635

notch as in Gonzalez Expinosa de Los Monteros in the structure of Gorell et al. This could receive a ridge beam for roof support.

Gorell et al. shows forming a linking wall (22, 24).

Gorell et al. teaches a floor form platform (12) having a horizontal platform surface. Gorell et al. does not show an upright floor form rail. Form rails are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use an upright floor form rail in the structure of Gorell et al. to enable casting the floor.

The walls may be place so that the two pitch wall longer lateral ends are each abutting and substantially perpendicular to the floor form rail and the pitch wall shorter lateral ends are adjacent to one of the linking wall lateral ends such that the pitch walls both extend in the same direction from and are substantially perpendicular to the linking wall, and the pitch walls, linking wall and floor form rail together enclose a region of the horizontal platform surface to define a floor form.

Gorell et al. does not show constructing a roof form. Westerlund shows a roof form (21). (Fig. 3) Roof forms with roof form support structures having planar upper surfaces angled to match the desired roof pitch to define a contiguous roof form lower wall below a distance below and adjacent to the pitch wall and linking wall upper ends and meeting the pitch walls and linking walls to define a partial roof form are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a roof form in the structure of Gorell et al. to cast the roof in place.

Gorell et al. shows a precast, which may be prestressed as is common in the art, concrete beam (221, Col. 5, Line 59). (Fig. 2) The beam may be placed parallel to the linking wall and into the beam notches to complete the roof form as is common in the art. It would have been obvious to one of ordinary skill in the art to use a precast concrete beam as a ridge beam to support the roof.

Regarding claim 2, Gorell et al. shows metal plates (25) formed into lateral edges of the pitch walls and linking walls. Gorell et al. shows welding plates (Col. 8, Line 30). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use weld plates at the lateral edges to hold the walls together.

Regarding claim 3, Gorell et al. teaches the basic claimed structure. Gorell et al. does not teach mitered corners. Mitered corners are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use mitered corners for a tight, weatherproof, seal.

Regarding claim 4, Gorell et al. shows reinforced concrete (Col. 8, Line 10-15). Reinforced concrete in walls is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use reinforced concrete in the walls of Gorell et al. to strengthen them.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morgan et al. shows a method and apparatus for low cost housing construction.

### ***Conclusion***


Art Unit: 3635

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV  
August 31, 2002



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600